

UNITED STATES BANKRUPTCY COURT
DISTRICT OF MASSACHUSETTS

In re:)	
)	
WARREN I. GREEN,)	Chapter 7
)	Case No. 13-10204-MSH
Debtor)	

CHAPTER 7 TRUSTEE'S STATUS REPORT

Kathleen P. Dwyer, as Chapter 7 Trustee for the estate of Warren I. Green, submits this status report:

1. The Trustee's Complaint against the Debtor's spouse (the "Defendant") was filed January 30, 2014 [Adv. Proc. 14-1026]. The Complaint seeks a declaration that real property located at 287 Langley Road, Unit 39, Newton, MA (the "Condominium"), held nominally in the name of the Defendant, is subject to a resulting trust in favor of the Debtor and the Defendant as tenants by the entirety, and for an order authorizing the Trustee to sell the Condominium pursuant to 11 U.S.C. §363(h).

2. On February 25, 2014, the Defendant filed a motion to dismiss the adversary proceeding, alleging the existence of a "prior pending action" in the Middlesex Superior Court [Docket No. MISUCV2011-002897] (the "Superior Court Action"), which action was originally filed against the Defendant and the Debtor by creditor, Robert Snider, seeking similar relief as that sought in the Adversary Proceeding.

3. A hearing on the motion to dismiss was held on April 9, 2014. The Court continued the motion to dismiss generally.

4. The Trustee and the Defendant proceeded in the Superior Court Action. The Trustee was substituted as plaintiff and filed an amended complaint.

5. In April 2015, Trustee's counsel in the Adversary Proceeding and the Superior Court Action, Adam Ruttenberg,

withdrew as counsel. The Trustee employed Attorney Thomas S. Vangel and the law firm of Murtha Cullina LLP to represent her as successor counsel in the Adversary Proceeding and the Superior Court Action.

6. The case was tried over 4 days in April and May 2016. On June 27, 2016, Judge Fahey dictated a ruling in the Trustee's favor on the resulting trust claim. The formal decision and judgment entered on September 7, 2016.

7. A Notice of Appeal was filed by the Defendant. Briefs are due March 28, 2017.

Respectfully submitted,
Kathleen P. Dwyer,
Chapter 7 Trustee
By her attorney,

Dated: December 21, 2016

/s/ Kathleen P. Dwyer
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